

204663US-2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Kazuhiro KOBAYASHI ET AL. : EXAMINER: HOANG, Q. D.
SERIAL NO: 09/805,039 :
FILED: MARCH 14, 2001 : GROUP ART UNIT: 2818
FOR: LIQUID CRYSTAL DISPLAY

RESTRICTION AND ELECTION OF SPECIES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement in the Official Action mailed January 15, 2003, Applicants elect Group I, Claims 1-5, 11-16, 22, 25 and 28 for further examination on the merits in the present application.

Further, in response to the Election of Species requirement, Applicants elect embodiment 1 and identify Claims 1-5 as readable on the elected species.

Applicants respectfully traverse the election requirement for several reasons.

First, MPEP § 806.04(f) requires:

MPEP § 806.04(f)

Claims to be restricted to different species must be mutually exclusive. ...

The outstanding Official Action fails to address in any way whether the pending claims recite mutually exclusive characteristics and this failure provides a further basis for traversing the election requirement.

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Finally, MPEP § 803 states:

MPEP § 803

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants also respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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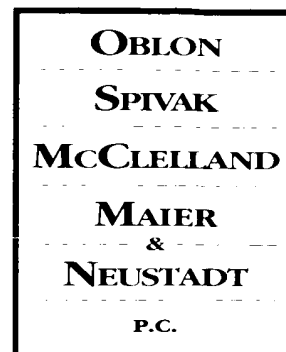


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Re: Inventor: Kazuhiro KOBAYASHI ET AL.
Serial No: 09/805,039
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SIR:


Attached hereto for filing are the following papers:

RESTRICTION AND ELECTION OF SPECIES

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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